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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,419	10/06/2004	Mario Bartholoma	SMB-PT114	1510

3624 7590 04/16/2007
VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
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PHILADELPHIA, PA 19103

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,419	BARTHOLOMA ET AL.	
	Examiner	Art Unit	
	James M. Hewitt	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,11,12,15 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-4, 9-10, 13-14, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wall opening or perforation must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because its length exceeds 150 words, and on line 3, "is provided" constitutes an implied phrase. Correction is required. See MPEP § 608.01(b).

The amendment filed 1/16/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In paragraph [0036], reciting that the chuck acts as a tensioning screw.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

Claims 1-17 are objected to because of the following informalities:

Claim 1 is objected to under 37 C.F.R. 1.75(i), which states "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation."

In claim 1, lines 6-8, the recitation "a section, which is arranged and remains in front of the opening" and the recitation "the chuck...radially expands...behind the opening" makes it unclear as to whether the wall opening, and thus the wall is being claimed in combination with the connector fitting.

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For examination purposes, the claims have been treated as if the wall is not being claimed in combination with the fitting.

In claim 1, line 9, "the housing" lacks proper antecedent basis.

In claim 2, lines 3-4, "the housing" lacks proper antecedent basis.

In claim 3, line 3, "the threads" lacks proper antecedent basis.

In claim 4, line 2, "the internal thread" lacks proper antecedent basis.

In claim 4, line 3, "the thread region" lacks proper antecedent basis.

In claim 8, line 3, "especially" should be deleted for clarity.

In claim 9, line 2, "is" should be inserted before "formed".

In claim 9, lines 3-4, "the sleeve-like extension" lacks proper antecedent basis.

In claim 10, line 3, "stands" should be replaced with a more suitable word.

In claim 11, line 2, "standing" should be replaced with a more suitable word.

In claim 12, line 2, "especially" should be deleted for clarity.

In claim 12, line 3, "form" should be "from".

In claim 13, line 2, "the perforation edge" lacks proper antecedent basis.

In claim 13, line 4, "the perforation" lacks proper antecedent basis.

In claim 14, line 2, "the perforation" lacks proper antecedent basis.

In claim 15, line 2, "the sleeve-like extension" lacks proper antecedent basis.

In claim 15, line 3, "the housing" lacks proper antecedent basis.

Claim 17 is objected to under 37 C.F.R. 1.75(i), which states "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation."

In claim 17, lines 5-7, the recitation "a section, which is arranged and remains in front of the opening" and the recitation "the chuck...radially expands...behind the opening" makes it unclear as to whether the wall opening, and thus the wall is being claimed in combination with the connector fitting.

For examination purposes, the claim has been treated as if the wall is not being claimed in combination with the fitting.

In claim 17, line 8, "the housing" lacks proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 7-8, 11-12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, the recitation "a tightened tensioning screw (2)" makes it seem as if it and the chuck (2) are two different entities, yet both are identified by the reference numeral "2".

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board

of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 7 recites the broad recitation a separate part, and the claim also recites a sealing ring or O-ring which is the narrower statement of the range/limitation.

In claim 8, lines 4-5, the phrase "and that on the abutment of the tensioning nut (3) covering it in the position of use" is awkward and unclear.

In claim 11, lines 3-4, it is unclear as to what "the circle" refers.

The term "steeply" in claim 12 is a relative term which renders the claim indefinite. The term "steeply" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat.

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App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 17 recites the broad recitation an opening, and the claim also recites an opening or perforation in a wall, which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-8, 11-12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholoma et al (US 2002/0006309 A1).

With respect to claim 1 and with reference to Figures 1-5, Bartholoma et al discloses a connector fitting for fixing a longitudinal body to an opening, in a wall, wherein the connector fitting (1) comprises a chuck (5/9), which penetrates the opening in a position of use and is provided with slits that extend generally in an axial direction, said chuck comprising a thread located on a section (on connector 5), which is arranged

and remains in front of the opening, wherein the chuck radially expands outwards in an insertion direction behind the opening into a clamping region containing the slits, and can be tightened on an outer side or in front of the opening of the housing by the thread and a matching tensioning nut (11), such that the clamping region can be directly or indirectly, at least partially, withdrawn into the opening and thus braced against the longitudinal body, wherein the tensioning nut (11) comprises an abutment (top half of 11) acting in the axial direction and the chuck comprises a counter-abutment (20) adjacent to the thread section and the counter-abutment exerts pressure on the abutment in a released position of the chuck (Fig. 4).

With respect to claim 2, wherein a region of the chuck bearing the counter-abutment covers the abutment of the tensioning nut in the axial direction on a side facing away from the housing. Refer to Fig. 4.

With respect to claim 6, wherein the counter-abutment is arranged on an end of the chuck facing away from a tensioning region and is an annular piece, which is connected to the chuck and which axially covers the abutment of the tensioning nut in a position of use (refer to Fig. 4), said annular piece extending over at least a part of a circumference of the chuck and the abutment. Refer to Fig. 4.

With respect to claim 7, wherein the counter-abutment formed as the annular piece is connected integrally with the chuck.

With respect to claim 8, as best understood, wherein the counter-abutment on the chuck comprises at least one finger (flange 20 can be broadly interpreted as a finger) extending radially over an outer circumference thereof and especially projecting

tangentially and that on the abutment of the tensioning nut covering it in the position of use, a projection (top end of 11 including the last thread) is provided extending in the axial direction, said projection contacting the finger in a circumferential direction for blocking rotational motion.

With respect to claim 11, as best understood, wherein the projection (top end of 11 including the last thread) standing at a distance opposite the abutment in the axial direction is arranged at a diameter, which is smaller than a diameter of the circle, at which an outer free end of the abutment finger is located.

With respect to claim 12, as best understood, wherein a contact side of the projection (top end of 11 including the last thread) extends steeply, especially somewhat axially, and a border of the projection facing away from the contact side extends diagonally (as toward the thread crest).

With respect to claim 15, as best understood, wherein an opening of the sleeve-like extension is partially closed on a side facing away from the housing by a seal (22), which comprises an opening for the longitudinal body.

Allowable Subject Matter

Claims 3-4, 9-10, 13-14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments filed 1/16/07 have been fully considered but they are not persuasive.

Applicant asserts "Regarding claims 1-17, the inventors' own U.S. Patent Application Publication No. 2002/0006309 (the '309 reference) does not show a chuck comprising a threaded section with a counter abutment adjacent to the threaded section." Examiner disagrees. The chuck has been interpreted to include both collet (9) and connector (5). Refer to the above art rejection. The flange (20) has been interpreted as the claimed counter-abutment.

Applicant's arguments posited on the last four line of page 13 – the last line of page 15 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

To note, as shown in Fig. 4, the '309 reference's counter-abutment (20) exerts pressure on the abutment (top half of 11) in a released position of the chuck.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

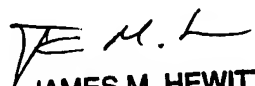
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
4/11/07


JAMES M. HEWITT
PRIMARY EXAMINER